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INDONESIA/EAST TIMOR

Fernando de Araujo
Prisoner of Conscience

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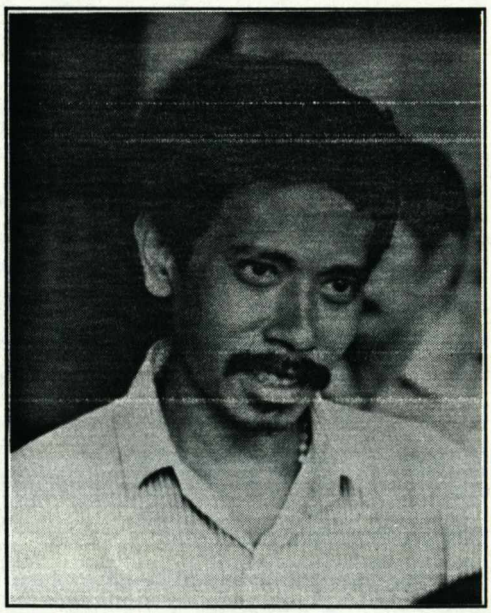
Introduction

Fernando de Araujo, a 26-year-old East Timorese and a student in Bali, is currently on trial for subversion in Jakarta. Indonesian state prosecutors have stated that subversion charges are warranted because the defendant is a founder member and leader of *Resistência Nacional dos Estudantes de Timor Leste* (*Renetil*), a student organization which peacefully opposes the integration of East Timor with Indonesia.[1] The prosecutors have claimed that further evidence of subversive, anti-government activity can be adduced from Fernando de Araujo's efforts to gain "*the sympathy of the international community for the abuse of human rights in East Timor.*" Fernando de Araujo has categorically denied engagement in subversive activity and in a March 1992 statement before the District Court of Central Jakarta he asked:

"Why am I being accused of subversion because I want a free East Timor?...Why is it that people like me, who are trying to find a solution by peaceful means, are thrown into detention, isolated in prison and subjected to all kinds of intimidation?"



[1] Indonesian forces invaded East Timor, a former Portuguese colony, in December 1975. Following the invasion Indonesia claimed East Timor as its 27th province, but the United Nations has not accepted Indonesian jurisdiction over the territory.

Eleven East Timorese, including Fernando de Araujo, are currently being tried in connection with the 12 November 1991 Santa Cruz massacre in East Timor and a peaceful protest demonstration held a week later in Jakarta. During the massacre an estimated 100 people were killed when Indonesian troops opened fire for several minutes on a group of about 3,000 participants in a peaceful procession.

The 12 November procession began with a memorial mass for Sebastião Gomes Rangel, killed on 28 October when Indonesian troops entered the parish church of Motael, Dili, where he and some 20 other political activists were hiding.[2] After the mass participants walked through the streets of Dili to the Santa Cruz cemetery. During the procession students unfurled banners proclaiming East Timorese independence and appealing to the United Nations to support the people of East Timor in their struggle for self-determination. Many of those killed during the massacre were school students and other young people.

The charges against Fernando de Araujo focus upon his role in arranging a protest demonstration which took place in Jakarta on 19 November. During the demonstration East Timorese and others protested against the killings and beatings at Santa Cruz. The demonstrators also appealed to the international community to protect the human rights of the East Timorese people. Fernando de Araujo was arrested at the end of November and his trial began in March 1992. At the end of April Indonesian state prosecutors called for Fernando de Araujo to be jailed for 15 years for "*masterminding*" the human rights protest demonstration in Jakarta. Amnesty International believes that Fernando de Araujo is a prisoner of conscience detained solely for his non-violent political and human rights activities. It calls upon the Indonesian Government to release him immediately and unconditionally.

In the wake of Santa Cruz - The suppression of protest

During the weeks following the Santa Cruz massacre more than 90 students and young people, most of them East Timorese, were detained in various parts of Indonesia. The arrests were apparently intended to prevent the dissemination of information about the massacre and its aftermath, and to disrupt non-violent protests against Indonesian rule

[2] Military officials in East Timor have denied that Sebastião Gomes Rangel was killed by government forces, claiming instead that he died during a brawl between pro and anti-integrationist youths. Information from unofficial sources suggests that the "pro-integrationists" were in fact military intelligence agents or informers. In April 1992 five East Timorese were charged with acts of violence leading to the death of a "pro-integrationist" also killed during the incident. To date there is no indication that the suspected killers of Sebastião Gomes Rangel have been brought to justice.

in East Timor. Those arrested were accused of anti-government activity or of expressing public hostility toward the Indonesian Government.

The 19 November demonstration in Jakarta, which took place one week after the Santa Cruz killings, resulted in at least 70 arrests. The demonstrators went first to the office of the United Nations (UN). Unable to enter the premises they read a statement addressed to the to the UN Secretary-General outside the gate. With banners and signs calling for a referendum on East Timor's political future, and for inquiries into the Santa Cruz massacre, they proceeded to the embassies of Japan and Australia nearby. As they regrouped near the Hotel Indonesia, members of the riot police (SABHARA) moved in to disperse them and journalists were ordered to leave the vicinity. The demonstrators began to flee, but were chased by police who beat them with truncheons and loaded them onto three waiting vehicles.

Some of the detainees in Dili, Jakarta and elsewhere were reportedly released after varying periods in detention. By January 1992 the government had acknowledged holding 54 East Timorese in connection with the massacre and the Jakarta demonstration, 32 of them in Dili and the remaining 22 in Jakarta, among them Fernando de Araujo.[3] Thirteen East Timorese in Dili and Jakarta have since been brought to trial for their role "*in connection with the Dili incident*" of 12 November, or for involvement in the 19 November "*anti-integrationist*" protest in Jakarta. Four detainees are currently being charged for subversion. They are: Fernando de Araujo and João Freitas da Camara in Jakarta; and Francisco Miranda Branco and Gregorio da Cunha Saldanha in Dili. Nine others have been charged under Articles 154 and 155 of Indonesia's criminal code, which define "*expressing feelings of hostility, hatred or contempt toward the Indonesian Government*" as a criminal offence.[4] Two of the Jakarta defendants, Domingos Barreto and Virgilio da Silva Guterres, were convicted in May and sentenced to prison terms of six months and two and a half years respectively.

The government announced that the remaining 17 Jakarta detainees had been released. However, they were in fact transferred to a government boarding house to receive a "*lecture*" delivered by military officers. The exact circumstances of the 17 were unknown in May 1992 but restrictions on their freedom of movement were believed to have been imposed by the authorities. In East Timor, 24 detainees the authorities said were released are believed to be confined in unspecified locations outside Dili. On 9 March the military commander of East Timor, Brigadier General Theo Syafei, told the

[3] A full list of those detained, tried or convicted in connection with the Santa Cruz massacre and the Jakarta protest is provided in Appendix I of this document.

[4] See Appendix II for extracts from the Anti-Subversion Law and relevant articles of the Criminal Code.

press that each of the 24 had been assigned to a company commander and were being "*given guidance, to be educated to become sound Indonesians*".

The arrest of Fernando de Araujo

Fernando de Araujo has testified that he was arrested at home in Denpasar, Bali on the morning of 24 November 1991. The arrest took place as he and some friends were preparing to go to church. According to his testimony police officers surrounded the house and two men in civilian dress entered through a window and began searching the rooms. The men reportedly confiscated every document in the house and all Fernando de Araujo's personal papers. After a short period, the two men summoned a fellow student and showed him two grenades and two other explosives which they claimed they had found inside the house. Fernando de Araujo and his colleague protested and insisted that the explosives did not belong to them and that they "*had never contemplated possessing such things*". The indictment against Fernando de Araujo contains no reference to the explosives allegedly recovered by police during the arrest.

Following his arrest Fernando de Araujo was detained at the police headquarters in Denpasar, where he was reportedly interrogated continuously by police officers and unidentified men in civilian clothes until 22 December 1991. Fernando de Araujo has reported that, despite repeated requests, a lawyer was at no time permitted to be present during the interrogation sessions. On 22 December Fernando de Araujo was transferred to the Polda Metro Jaya Detention Centre in Jakarta. During this period, access to friends and to legal counsel was severely restricted and Fernando de Araujo's notes on his case were confiscated by the police authorities. Fernando de Araujo was transferred to Salemba Prison, Jakarta on 3 March and remains in detention there. He is believed to be held in solitary confinement.

The case for subversion: The trial of Fernando de Araujo

Fernando de Araujo was brought to trial on 16 March 1992, along with another East Timorese activist, João Freitas da Camara. Both are charged under Indonesia's vaguely-worded and sweeping Anti-Subversion Law, which carries a maximum penalty of death. In late April state prosecutors called for a 15-year sentence to be imposed on Fernando de Araujo, despite the fact that the indictment against him contains no evidence

whatsoever that he has used, advocated or incited violence. Indeed, the indictment refers only to non-violent political and human rights activities and the exercise of freedoms which are enshrined in the Universal Declaration of Human Rights.[5]

The indictment against Fernando de Araujo details a series of meetings, held between 1988 and 1991, and attended by *Renetil* members in various parts of Indonesia. At the meetings the students are said to have discussed ways in which the plight of the East Timorese people could be bought to the attention of the international community. The indictment recounts that one of the actions by *Renetil* members was to send a letter in May 1991 to George Bush, President of the United States of America. The letter urged President Bush to assist the East Timorese people and likened their situation to that of the Kuwaiti people following annexation by Iraq in 1990.

The indictment also states explicitly that *Renetil* members had planned a number of public demonstrations "*to gain the sympathy of the international community for abuses of human rights in East Timor*". One such demonstration was planned to coincide with the visit to Indonesia of a delegation of Portuguese parliamentarians in November 1991.[6] The indictment states that, in preparation for the planned demonstration, the students made posters and banners which carried phrases such as "*patria or morte - venceremos*" (our country or death - we shall overcome), "*dialogo e a via para a resolução 37/30*" (dialogue and a way forward for Resolution 37/30)[7] and "*we love independence*". The students were also said to have prepared a declaration asking the United Nations to guarantee the human rights of the East Timorese people.

An appeal by Fernando de Araujo for public protest against the Santa Cruz massacre is also set forth as evidence of subversive activity. The indictment states that after the massacre Fernando de Araujo asked fellow *Renetil* member, João Freitas da Camara, to inform foreign press and embassies of the actions of Indonesian troops at Santa Cruz. It reports that Fernando de Araujo urged his colleague to contact

[5] On 11 May state prosecutors demanded a 13-year prison term for João Freitas da Camara, also accused of subversion in connection with the Jakarta protest. On 13 May in Dili, state prosecutors called for a 15-year sentence for Francisco Miranda Branco and, on 20 May, a life sentence for Gregorio da Cunha Saldanha. Both are charged with subversion for having organized the Santa Cruz procession. Amnesty International believes that all may be prisoners of conscience, detained solely for non-violent political and human rights activities.

[6] In October 1991 the Indonesian authorities cancelled the visit, saying they considered one of the accompanying journalists to be hostile to Indonesian interests.

[7] A reference to the 1982 resolution passed at the General Assembly of the United Nations. The resolution requested the United Nations Secretary-General "*to initiate consultations with all concerned parties in order to achieve a comprehensive settlement of the East Timor issue*".

international organizations, including Amnesty International and the United Nations Commission on Human Rights, and to inform them of the killing and beating which occurred at the cemetery.

Conclusion

The government has claimed that the actions of Fernando de Araujo and other *Renetil* members undermined the government because they were "*politically motivated and [sought] to separate East Timor from Indonesia*". It has justified the suppression of any non-violent opposition to Indonesian rule on the grounds that East Timor's integration with Indonesia was achieved by law. Such claims have been regularly disputed within the General Assembly of the United Nations, which has not accepted Indonesian jurisdiction over the territory. Indeed, East Timor has been the subject of numerous United Nations resolutions rejecting Indonesia's annexation of East Timor and calling for a genuine act of self-determination.

Since the military invasion of East Timor in 1975, evidence has emerged of gross and systematic human rights violations by the Indonesian security forces. Violations have included the killing, "disappearance", torture and arbitrary detention of real and suspected political opponents, and most recently the Santa Cruz massacre.[8] It is a matter of grave concern that protest against such violations, including efforts to inform the international community, have been construed by the authorities as evidence of subversive activity. Amnesty International calls upon the Indonesian Government to release Fernando de Araujo and all others detained for the peaceful expression of their political beliefs, including the defence of human rights.

[8] See Appendix III for a list of Amnesty International reports documenting human rights violations in East Timor.

Appendix I May 1992

POLITICAL PRISONERS DETAINED IN CONNECTION WITH THE SANTA CRUZ MASSACRE

JAKARTA

Charged with subversion

Fernando de Araujo 15-year sentence demanded by prosecutors
João Freitas da Camara 13-year sentence demanded by prosecutors

Charged with publicly expressing hostility...toward the government

Agapito Cardoso

Convicted of publicly expressing hostility...toward the government

Domingos Barreto 6 months' imprisonment
Virgilio da Silva Guterres 2 and a half years' imprisonment

Conditionally released but current circumstances unclear

Antonio Lopez
Antonio Soares
Avelino Maria Coelho da Silva
Benevides Cabral
Egas Quintão Monteiro
Fausto Bernardino
Felipe da Silva
Franciso Vasco Ramos
Gregorio de Araujo
Ilidio da Costa
João Sarmento
João "Travolta"
José Luis de Oliveira
José Maria Belo
Mario Canelas
Metodio Moniz
Sergio Dias Quintão

EAST TIMOR

Charged with subversion

Francisco Miranda Branco	15-year sentence demanded by prosecutors
Gregorio da Cunha Saldanha	Life sentence demanded by prosecutors

Charged with publicly expressing hostility...toward the government

Bonifacio Magno
Carlos dos Santos Lemos
Filomeno da Silva Ferreira
Jacinto das Neves Raimundo Alves
Juvêncio de Jesus Martins
Saturnino da Costa Belo

Reportedly confined outside Dili and receiving "mental guidance"

Aleixo Lay
António Baptista Sequeira
António Belo
Augusto Felipe Gama Xavier
Basílio Francisco Bento
Domingos Joaquim Pereira
Eusébio Pinto Pedroso
Fernando Tilman
Filomeno Gomez
Francisco Guterres
Janio Ferdinando
Januário Gomez
Joanico dos Santos
João Pereira
José Francisco da Costa
José Barreto Marques
José Felipe
Lourenço Rodrigues Pereira
Manuel Eduardo dos Santos
Marcia da Graça
Mário Abel
Matias Gouveia Duarte
Renilde Guterres Corte Real
Simplicio de Deus

Appendix II

Extracts from Indonesia's Anti-Subversion Law

Fernando de Araujo has been charged under the following articles of the Anti-Subversion law. These specify that it is a punishable offence to:

Article 1 (1)b "overthrow, destroy or undermine the power of the state or the authority of the state or the authority of the lawful government or the machinery of the state."

Article 1 (1)c "disseminate feelings of hostility or arouse hostility, cause splits, conflicts or chaos, disturbances or anxiety among the population or broad sections of society or between the state of the Republic of Indonesia and a friendly state".

Articles 154 and 155 of the Criminal Code (KUHP)

Under these articles it is a criminal offence to engage in:

Article 154: public expression of feelings of hostility, hatred or contempt toward the Government of Indonesia;

Article 155: the spreading or exhibiting of letters or pictures which express hatred of the Government of Indonesia;

Appendix III

AMNESTY INTERNATIONAL DOCUMENTS ON THE SANTA CRUZ MASSACRE AND ITS AFTERMATH

East Timor: The Santa Cruz Massacre, 14 November 1991 (ASA 21/23/91)

Indonesia/East Timor: AI Appalled at Massacre, Calls for Impartial Inquiry, Press Statement, 14 November 1991 (ASA 21/21/91)

East Timor: After the Massacre, 21 November 1991 (ASA 21/24/91)

Indonesia/East Timor: AI Urges Rigorous Standards for International Inquiry into Massacre, Press statement, 3 December 1991 (ASA 21/WU 03/91)

East Timor: Violations Continue and Doubts Remain over Official Inquiry, Press statement, 26 December 1991

Indonesia/East Timor - Santa Cruz: The Government Response, February 1992 (ASA 21/03/92)

Indonesia/East Timor: Human Rights Protesters Charged with Subversion, Press statement 27 March 1992 (ASA 21/WU 02/92)

For further information on human rights violations in East Timor see:

East Timor: Amnesty International Statement to the United Nations Special Committee on Decolonization August 1991 (ASA 21/14/91)

East Timor: Violations of Human Rights - Extrajudicial Executions, "Disappearances, Torture and Political Imprisonment 1985 (ASA 21/16/85)